

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicant would like to thank the Examiner for the indication that claims 26 and 38 are allowed and that claims 4-18, 20-25, 33 and 34 contain allowable subject matter and would be allowed if rewritten in independent form including all of the limitations of their base claims and any intervening claims.

In the Official Action, the Examiner objects to claim 38 because the recitation of "having passes through" should be --having passed through--. Applicants respectfully submit that claim 38 does not contain the objectionable phrase. In the objection, the Examiner cites page 59, line 4, which corresponds to claim 37. Thus, since claim 37 contains the objectionable phrase, the Applicant assumes that the objection should be directed to claim 37, not claim 38. However, as discussed below, claim 37 has been canceled, thereby rendering the objection thereof moot. Accordingly, it is respectfully requested that the objection to claim 38 be withdrawn.

Furthermore, although not objected to, the Applicant has amended the specification at page 23 and 16 to change "having passes through" to --having passed through--. No new matter has been entered into the disclosure by way of such amendment.

In the Official Action, the Examiner rejects claims 1-25, 37 and 39 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner is not clear as to the relationship between the width of the exit opening and the distance and pitch values as recited in claims 1 and 39. Additionally, the Examiner argues

that the phrases “the photo detector” and “the receiving surface” as recited in claim 37 have insufficient antecedent basis.

In response, as discussed below, claims 1, 37 and 39 have been canceled, thereby rendering the rejection thereof moot. As further discussed below, allowable claims 4, 5 and 20 have been amended to include the features of claim 1. Amended claims 4, 5 and 20 address the Examiner’s rejection and clarify the relationship between the width of the exit opening and the distance and pitch values. Specifically, the phrase “the width W of the light beam exit opening in a scale moving direction is determined depending on the values of z1, z2, and p1” has been deleted from rewritten claims 4, 5 and 20. Accordingly, it is respectfully requested that the rejection of claims 1-25, 37 and 39 under 35 U.S.C. § 112, second paragraph, be withdrawn.

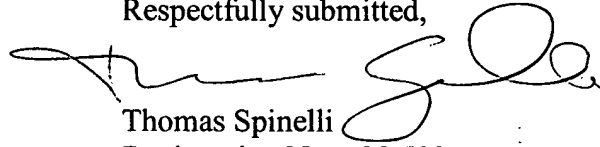
In the Official Action, the Examiner rejects claims 1 and 27 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application No. 2002/0014581 to Yamamoto et al., (hereinafter “Yamamoto ‘581”). Additionally, the Examiner rejects claims 1 and 27-29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2005/0157307 to Yamamoto et al., (hereinafter “Yamamoto ‘307”). Furthermore, the Examiner rejects claims 2, 3, 29 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto ‘581. Still further, the Examiner rejects claims 2, 3, 19, 30-32, 35-37 and 39 under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto ‘307.

In response, claims 1-3, 19, 27-32, 35-37 and 39 have been canceled thereby rendering the rejections thereof moot. Accordingly, it is respectfully requested that the rejections of claims 1-3, 19, 27-32, 35-37 and 39 under 35 U.S.C. §§ 102(b), 102(e) and 103(a) be withdrawn.

Allowable claims 4, 5, 20 and 33 have been rewritten in independent form including the limitations of their base claim and any intervening claims. Furthermore, claim 34 has been amended to depend from amended independent claim 33. Lastly, claims 8, 13, 19 and 23 have also been canceled.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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